

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF A SEARCH
INVOLVING THE TOWNHOUSE
DWELLING AT 933 PARK AVENUE,
HERNDON, VIRGINIA

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Misc. No. 1:02MG KD
UNDER SEAL

AFFIDAVIT IN SUPPORT OF APPLICATION FOR A SEARCH WARRANT

I, David Kane, being duly sworn, depose and state as follows:

1. I was the affiant for the attached affidavit supporting the application for searches involving 555 Grove Street, Herndon, Virginia, and incorporate that affidavit by reference here. Individuals and organizations mentioned in this affidavit are included in italicized type if they are included in the glossary to the incorporated affidavit.

2. This affidavit is in support of an application for a search warrant for the real property and premises known as 933 Park Avenue, Herndon, Virginia. The facts set forth in this affidavit will show probable cause that items described in Attachment "B" and incorporated herein, will be found at this location.

3. This affidavit will show that Tarik Abdulmelik *Hamdi* engaged in providing material support of *Al-Qaida*, *Usama Bin Laden*, and the *PIJ*, each of which has been designated a terrorist entity by the United States. Further, this affidavit will show that *Hamdi* lives at 933 Park Avenue in Herndon, and has used his house to receive and hold property for *Bin Laden* and other terrorists. Accordingly, I will show that probable cause exists that evidence of *Hamdi's* violations of 18 U.S.C. §§ 2339A and 2339B will be found at that location.

4. *Hamdi* emigrated from Iraq to the United States in 1988, and before moving to Herndon, Virginia, lived in Tampa, Florida for several years, where he closely associated with PIJ front groups and representatives including *WISE*, *Al-Arian*, *al-Najar*, *Shallah*, and *Nafi*. Payroll records seized during the Tampa search warrants in 1995 confirm that *Hamdi* was employed by *WISE*. Records of Autotrack, a commercial database, reveal that, from 1990 through 1993, *Hamdi* maintained a Tampa mailing address with *Al-Arian*. Florida corporation records establish that *Hamdi*, *Al-Arian*, *al-Najar*, and *Shallah* all served as trustees of the same mosque in Tampa.

5. In approximately 1994, *Hamdi* left the employ of *WISE* in Tampa, and moved to 933 Park Avenue in Herndon. Autotrack records reflect that 933 Park Avenue has been the listed address of *Hamdi* since 1994 (it also was the listed address for *Nafi* until *Nafi*'s deportation in 1996). In January 2002, Virginia Department of Motor Vehicles records reflect that Tarik A. *Hamdi* was issued a Virginia drivers license with a listed address of 933 Park Avenue, Herndon. In January 2002, the U.S. Postal Service, Virginia Power, and Verizon each verified that Tarik *Hamdi* was currently receiving service at that address.

6. I know that in May 1998, *Hamdi* traveled to Afghanistan and delivered a satellite telephone battery to an aide of *Usama Bin Laden* for *Bin Laden* to use to coordinate and command his followers. *Hamdi* delivered the telephone battery while traveling to Pakistan and Afghanistan to facilitate an interview of *Bin Laden* by ABC News.

7. I read portions of the transcripts of the trial in the Southern District of New York concerning the bombings of the American embassies in Kenya and Tanzania in 1998 (the "Embassy Bombings"). In particular, I read the trial testimony of an employee of O'Gara

Satellite Networks, regarding a satellite telephone battery purchased from O'Gara Satellite on May 11, 1998. According to O'Gara Satellite records, the satellite telephone battery was purchased by Ziyad Khalil, who arranged for its delivery to 933 Park Avenue, Herndon, Virginia.

8. I also have seen a May 13, 1998 letter from Christopher Isham, a senior producer at ABC News, to Mohamed Atef regarding an interview of *Bin Laden* by ABC. Atef, who was killed in October 2001 by American forces during the war against Al-Qaida, was *Bin Laden's* senior military commander, and himself a designated terrorist under U.S. law. The letter referenced previous communications with a "Mr. Tarik *Hamdi* in Washington" - - an individual obviously already known to Atef - - to set up the interview with *Bin Laden*.

9. To conduct the interview, the ABC News crew traveled to Afghanistan in May 1998. According to documents later seized from the house of *Bin Laden* aide *Khalid al-Fawwaz*, *Hamdi* accompanied the news crew to Pakistan and Afghanistan. I have seen a copy of a fax *Hamdi* sent on May 17, 1998, to *Khalid al-Fawwaz*, a top *Bin Laden* aide and a terrorist designated under U.S. law, announcing their arrival in Pakistan on the first leg of the trip.

10. I know that the satellite telephone battery that *Hamdi* delivered to Afghanistan was used by *Bin Laden* in connection with the Embassy Bombings. Phone records introduced at the Embassy Bombing trial showed that *Bin Laden* was able to use his satellite phone through the time of the bombings. In particular, *Bin Laden* used it to call a number in Baku, Azerbaijan. Phone records also showed that this same number in Azerbaijan was the very number to which *Bin Laden's* claims of responsibility for the Embassy Bombings was traced.

11. *Al-Fawwaz* was indicted in May 2001 in the Southern District of New York for his involvement in the Embassy Bombings, and currently is incarcerated in England awaiting

extradition to the United States. The May 13, 1998 letter from ABC News producer Isham to Atef, as well as the May 17, 1998 fax from *Hamdi* to Al-Fawwaz, both were seized by British authorities in 1998 during a search of *Al-Fawwaz*'s residence in London in connection with his arrest.

12. A third document seized during that search was an informational flyer for an organization called the Committee for the Defense of Legitimate Rights ("CDLR"). I know that the Saudi government closed the CDLR in Saudi Arabia because of its connections to terrorists. The CDLR flier recovered from Al-Fawwaz's residence referenced several telephone numbers as U.S. contacts for the CDLR. One of the numbers included was (703) 318-8259. Verizon records for January 2002 reflect that the subscriber for that telephone number is T. *Hamdi* at 933 Park Avenue, Herndon, Virginia. A mail cover that was conducted on *Hamdi*'s residence in January 2002 revealed that *Hamdi* received mail at that location for for an entity addressed as "CDLI," which I believe to be a possible variation of CDLR. I believe that it is not a mere coincidence that *Hamdi* is receiving in 2002 mail addressed to an organization whose initials are so close to that of the Bin Laden's front for which, according to the flyer seized from Al-Fawwaz's house, *Hamdi* was the American contact. In short, I believe that the receipt of the letter addressed to "CDLI" at *Hamdi*'s house in January 2002 means that *Hamdi* is **still** the American contact for at least one Bin Laden front organization.

13. I know that *Hamdi* is a current employee of *IIIT*. SA Balberchak told me that *Hamdi* received over \$13,000 from *IIIT* in 2000. I have seen a roster of *IIIT* employees obtained from trash discarded in February 2002 from the home of Ahmad Totonji, one of *IIIT*'s officers. That roster identified *Hamdi* as a current employee and showed his *IIIT* telephone extension and e-mail

address. According to the 2000 version of the "Muslim Community Directory of Metropolitan Washington," Tarik *Hamdi* is the publisher of the *IIIT* publication, "Islamiyat Al-Ma'rifah." In January 2002, I saw an FBI report reflecting that, in the summer of 2001, FBI agents observed *Hamdi* enter the offices of *IIIT*. On March 6, 2002, an investigator working on this case with me telephoned *IIIT* at 703.471.1133. When he entered *Hamdi*'s name into the *IIIT* telephone answering system, it referred to two extensions, one for an Abdullah *Hamdi* and the other for Tariq *Hamdi*. I believe that this is the same Tariq *Hamdi* into whose residence I seek entry.

14. On January 23 and 25, 2002, USCS SA Robinette observed *Hamdi* at his residence at 933 Park Avenue. He told me that 933 Park Avenue, Herndon, Virginia, is a light-brown brick three-level townhouse with concrete stairs with a black painted iron handrails leading to a black front door with black trim and the house number, "933" displayed on the upper right side of the door between units 931 and 935 on the southeast corner of Park Avenue and Jorss Place, between Grace Street and Jorss Place.

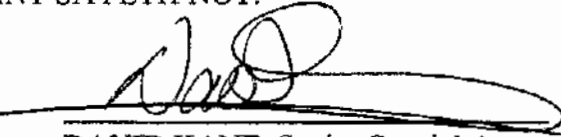
15. On March 13, 2002, USCS SA John Armbruster watched *Hamdi* leave his house at 933 Park Avenue with a brown leather briefcase. SA Armbruster followed *Hamdi* to *Hamdi*'s *IIIT* office at 500 Grove Street in Herndon. Accordingly, I believe that *Hamdi* transports *IIIT* documents between his home and his office, and that, therefore, there is probable cause to believe that evidence relating to *IIIT* will be found at his residence.

16. On the basis of the foregoing, and the reasons outlined in the underlying affidavits incorporated herein, there is probable cause that Tarik Abdulmelik *Hamdi* engaged in providing material support of Al-Qaida, Usama Bin Laden, and *PIJ*, each of which has been designated a terrorist entity by the United States. Further, that *Hamdi* lives at 933 Park Avenue in Herndon,

and has used his house to hold property for *Bin Laden* and other terrorists. Accordingly, there is probable cause to believe that evidence of *Hamdi's* violations of 18 U.S.C. §§ 2339A and 2339B, as described in Attachment B, will be found at that location.

WHEREFORE, your affiant prays that a search warrant be issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure.

FURTHER THIS AFFIANT SAYETH NOT.


DAVID KANE, Senior Special Agent
United States Customs Service

Subscribed to and sworn before me this 13th day of March 2002.


THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE